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9-1-1985

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### Recommended Citation

Eric F. Gebaide, *Summer Associate Programs: It Pays To Advertise*, 39 U. Miami L. Rev. 1019 (1985)  
Available at: <http://repository.law.miami.edu/umlr/vol39/iss5/11>

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# Special Issues and Topics

## Summer Associate Programs: It Pays To Advertise

ERIC F. GEBaide\*

*In the fall of 1975, after the ritual of cover letters, resumes and interviews, Jane Genser finally decided where to spend her second summer as a law student - at Los Angeles's Irell & Manella. Meanwhile, her good friend from law school, Chris Kennedy, decided to spend his second summer at a prestigious Washington, D.C. law firm. Jane enjoyed her summer and told Chris what a wonderful experience she had at Irell & Manella. Now, ten years later, Jane is practicing in Washington, D.C. and Chris is the partner in charge of Irell & Manella's summer associate program.*

During the last few months the media has published a variety of articles on summer associate programs. Most of these articles focus on elaborate social activities that accompany summer programs, while some mention the effects of summer programs on second year law students. This article takes a different approach to examining summer programs, by investigating the reasons given for their existence in light of stated purposes and collateral effects.

The first surprise in store for those inquiring into summer associate programs is the fact that *less than one third* of the senior associates of the typical law firm which has a summer program were recruited from that summer program. Further, *less than half* of that law firm's first year associates came out of its summer program. Law firms and law students seem to agree upon the misconception that summer associate programs exist for and serve the purpose of producing permanent associates. Summer associate pro-

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grams do indeed serve a valuable purpose for large and growing law firms, but that purpose is advertising. The best recruiter of all, the one whose words ring truest to the ear of a questioning third year student, is the summer associate who went home happy.

RECRUITING RECRUITERS: *The Silent Purpose of Summer Programs*

The most intriguing purpose of summer associate programs remains largely unspoken in the legal community, but is exemplified by the true short story of Chris Kennedy and Jane Gesner. I call this silent purpose the "ambassadorial function" that summer associates perform.

However dimly, all law firms which recruit realize that students who were former summer associates will have an impact on the success of the following year's recruiting effort. All of the recruiting coordinators who were contacted in preparing this article agreed that a very important goal and effect of a summer program is the positive advertising on law school campuses that summer associates can provide. Charles Buffon, the Chairman of the Recruiting Committee of Washington, D.C.'s Covington and Burling, suggests that "summer associates are the ambassadors of your law firm." Stephen Adler, Editorial Director of the *American Lawyer* gets the general impression from discussions with hiring partners that the ambassadorial effect of summer programs greatly affects the way the programs are run. For example, a good summer program with "happy" law students often results in a busy fall interviewing schedule. Conversely, a troubled summer program with "unhappy" recruits may lead to a less successful fall recruiting season.

As a result, the positive effect that some law firms have experienced from on-campus, human advertising, has become the goal of their summer programs. More than a few firms now concentrate their efforts on enhancing their image so that future fall recruiting will be easier.

A number, albeit a small number of the larger firms have created programs divorced from the reality of day to day legal practice, tarted up with social activities. Alternatively, some firms work their summer associates very hard but give offers to everyone in the program so that no one goes home terribly disappointed. ("Our summer associates work nights and weekends just like our regular associates," said one recruiter at a major New York firm.) Almost all of the firms interviewed stated that their offer rate to summer

associates was greater than ninety percent. Mr. Adler suggests that "law firms want to please students in the summer programs rather than make hard choices about those students that have gotten into the summer programs." But such a high offer rate skews the value of the summer work load. As Mr. Adler says, "the law firms can't be *that* good at picking people during interviews."

On the other hand, advertising is not a stated goal at some law firms, such as New York's Proskauer, Rose. "We're certainly well aware that recruitment is affected by word-of-mouth, but that is not a separately articulated goal of our program," said Proskauer's Carol O'Bleemis. Clearly, maximizing the ambassadorial possibilities of their summer associates may appear only on the hidden agenda of a law firm's summer associate program.

#### THE PARTY LINE: *The Stated Purposes of Summer Programs*

Currently, most large law firms have a summer associate program. Lawyers and law students alike know the traditional philosophy behind these programs: law firms use the summer to evaluate first hand the personalities and work quality of potential employees. Every recruiter we interviewed said that the primary goal or purpose of the summer program was for the recruit and the firm to find out as much as possible about each other in the short time allowed, in order for each to make a fair, well-informed decision about permanent employment.

Law firms base their choices on a law school's reputation and a student's grades and accomplishments filtered through a screen of intangible personality factors discerned during interviews in the fall of the student's second year of law school. The conventional method of filling summer associate positions allows a firm to make exceptions for students with unusual backgrounds, family or business connections, or good undergraduate records. A "top recruit" will entertain many offers from large law firms. Generally, top recruits attend "name schools," (the list of name schools varies depending upon whose list it is, but it *always* includes Harvard, Yale, Columbia, Chicago, Stanford and Michigan) or are at the top of their class with membership on the law review at a school which is not on "the list." These criteria are by no means absolute, but do represent a rule of thumb to which law firms, as creatures of habit, will adhere.

The *American Lawyer's* Stephen Adler pointed out that "the largest misconception I have seen in summer recruiting is the emphasis placed on the top ten or so 'name' schools. The graduates

from these schools are no better prepared than graduates from other law schools around the country."

THE FIRMS CAN'T HELP IT: *They Need Student Recruiters*

The natural limitation on the number of students fulfilling these criteria, and the growing number of growing law firms that desire such students, results in predictable market effects: the supply is typically limited and the demand is always great. Mr. Adler said, "the problem for big firms is primarily economic, and that makes them have to recruit very hard. In the past ten years the number of firms has increased three times the previous total, creating a vastly greater number of jobs for the same relatively fixed number of applicants." Anthony Petrello, a hiring partner at New York's Baker and McKenzie added, "law firms are engaging in a service industry. We primarily are selling a service and have to provide the best quality service possible for the money paid. [Therefore], we are faced with having to attract top quality law students so that we can provide top quality services to our clients."

The fact that there are too few sought after recruits for an ever increasing number of positions has undercut the long standing policy of *not* recruiting law students after their first year. When questioned about first year summer associates, recruiters responded that their firms' exposure to entering second year students is as important as exposure to entering third year students. Generally, firms that have first-year summer associates do not expect them to return for their second summer. The recruiters are content with having been at least one of the two, three or four firms to get a crack at the prized recruit.

FLYING BLIND: *What Each Knows About the Other*

Schools, grades, personality intangibles and too few top recruits to go around are factors whose effects upon the summer associate market are exacerbated by a less than free flow of information. Law firms and law students pursue valuable information about the choices they are about make. For example, law students need information to make geographic decisions of where to locate, and career decisions of how large a firm and which mix of firm practice to choose. Similarly, law firms need to know as much about a potential recruit as they can discover before inviting the student to spend the summer.

Except for informal, word-of-mouth discussions, there is no

exchange of information among law firms about summer recruiting. Law firms simply do not discuss goals and achievements of summer programs in any organized fashion. Until recently, law students suffered from a similar informational famine. A second year law student who did not have a parent or elder sibling working in the law had to rely on fellow students for information about summer employment (those with parents or elder siblings in the law probably got stale advice as often as not). In any case, few who had made it to within one year of a law degree would rely exclusively on others' opinions. Many decisions were (and are) arrived at through instinct and personal impressions gleaned from an interview. Impressions from an interview, however, can only be gleaned if a student goes on the interview. Because of the number of firms clamoring for the chance to interview top recruits, those students often have more interviews than they can handle. They must limit the number of interviews they accept just to maintain a semblance of meaningful law school attendance. As a result, the "underground" reputation of a law firm affects not only whether a student will accept an offer, it affects whether a student will accept (or seek) an *interview*.

#### NAVIGATIONAL AIDS: *Surveys and Word of Mouth*

Recently, national surveys have become a source of information about summer associate programs. Brenton Ver Plugh, a partner at Miami's Shutts and Bowen frankly explained the change: "The days of the informal coffee table network of law clerk information are just about over. Now with national surveys, and the *American Lawyer* in particular, law students are getting objective measures of summer programs." (The *American Lawyer* asks summer associates to rate aspects of a firm's summer program on a five point scale). Mr. Adler said the impression he gets from hiring partners is that his magazine greatly affects recruiting. If a firm receives a good rating from summer associates, the firm will experience a corresponding increase in interest for positions in the next summer's program.

After receiving negative ratings, most firms radically alter the following summer's programs. For example, a firm that received a poor rating for one summer in the "feedback" category instituted a comprehensive feedback program, involving partners as well as associates, for the following summer. The *American Lawyer* will probably have its greatest effect to date on next summer's programs. It posted a seventy percent response rate to this past sum-

mer's questionnaires, lending greater accuracy *and* cachet to the survey.

Future generations of law students may have the opportunity to match up their desires with those of law firms by use of a "video date" service. After perusing an on-line rating of law firms by summer or possibly permanent associates, the potential clerk could send a request to examine a firm's video display.

Surveys and future variations notwithstanding, subjective measures remain the most important. Students still rely on word of mouth. Lorraine Ninheim, the director of legal personnel for New York's Cravath, Swaine & Moore said, "It's inevitable that law students will discuss their summer experiences, and many times the second year students will look to their editors on [law] review for advice on law firms."

For many students the choice of which law firm to work for may depend upon *where* the firm is as well as *what* type of firm it is. Cheryl Boone, the Recruiting Coordinator at Los Angeles' O'Melveny & Meyers explained that "Many law students are attempting to find out as much if they want to live here as whether they would like to work for O'Melveny." Most law firm recruiters agreed that part of the recruiting effort goes to "selling" a firm's city in addition to its reputation and practice. Two firms in particular disagreed. Carol O'Bleemis at Proskauer, Rose explained that most of the students who come to New York already have knowledge of living conditions in the city, so that they are primarily examining the firm. Chris Kennedy of Los Angeles' Irell & Manella has a laid-back approach. He said, "We don't have to sell the students on L.A. Once they get out here, southern California sells itself."

While few recruiters will credit their city (in addition to their firm) for landing a top recruit, it is mildly ironic that most recruiters will blame their city for *not* landing a top recruit. Law firms can do little to limit the making of offers to those who do *not* choose based on geography, so long as students are sincere in their desire to experience a new city. Nonetheless, the general consensus among recruiters is that geographic decisions do not greatly affect the success of a program during a particular summer.

#### SUCCESS: *I Can't Define It But I Know It When I See It?*

Measuring a summer program's success is at the heart of any discussion of it. Various measures of success reflect what law firms expect to gain from having a successful program. Most recruiters

agree that a successful program is one in which most summer associates were qualified to receive permanent offers. (The strategy of making a permanent offer to every summer associate turns this measure into a truism). Some measure their success by the number of summer associates who accept permanent offers. Others look to the future, and hope that senior associates will result from a particular summer program. Still others wait until associates become *partners* to assess the strength of a summer's program, making partnership the sole barometer of success. Finally, some firms evaluate their summer program under less objective criteria and are content with a "feeling that the program was successful."

Before discussing how their firms measure the success of their summer programs, all the recruiters to whom we spoke reiterated the party line; that is, summer programs exist to afford the recruit and the firm a chance to get to know each other "up close and personal" in order for each to intelligently decide upon a possible future association with the other. None was willing to suggest that having recruited a good group of recruiters makes for a successful summer.

Each firm's measure of success was tempered by several factors. Large law firms with summer programs often find that a number of their summer associates go on to judicial clerkships, skewing any measurement based on the percentage of incoming associates that participated in the summer program. Firms located in highly mobile legal markets, such as New York, cannot measure success by long term standards, and consequently do not try to. In markets such as New York, lawyers leave firms for other firms, other types of practice, or to go to the "other side" (business).

Two surprising facts were discovered in researching this article. First, over half of a typical firm's *entering* associate class did not participate in that firm's summer program. Second, well over two-thirds of the *permanent* associates were also not recruited from their law firm's summer programs. These percentages stand in pointed contradiction of the goal which both groups of participants believe is served by summer associate programs. Recruiters and law students hope that students will spend the summer working for those who will turn out to be future employers. As has been mentioned, most students employed by the firms interviewed actually do receive offers at the end of a summer, to the tune of ninety-plus percent. But the reality that most students don't end up working at the firm where they spent the summer raises the question of just what this system has to do with its own measures of



success. Mr. Adler of the *American Lawyer* suggested that a firm whose summer clerks stay for but a year or two as permanent associates falsely advertised what life was really like at that firm.

GETTING WHOM YOU WANT: *Wanting Whom You Get (Love The One You're With?)*

Recruiting is an arguably artificial time for the law firm and the summer associate. Both are trying to show off their best qualities while hoping by the end of the summer to learn the "truth" about each other. With each on his best behavior, guarding his own secrets and hoping to discover the other's, reality may be a sometime thing. While dancing this minuet, a recruiter invariably hopes that most of "his" summer associates will receive permanent offers, giving tangible proof that the previous fall's recruiting was a "success." The recruiter further hopes that most of his recruits will accept their offers and thereby crystalize the success of the summer.

It is only natural to look to these measures of success. Inevitably among highly competitive lawyers, the goals of a summer program as a tool for recruiting become mingled with the need to succeed, and the decision by a top recruit to accept a permanent offer often satisfies the similar but not identical goal of discovering solid legal talent. Perhaps separating the fall recruiters from the summer program might lessen their impact on a program's focus.

What alternatives exist to the present recruiting system is a hard question, wherein may lie the reason why the present system rolls along accomplishing something but the participants remain uncertain what that something is. The current market for future services of top recruits is clearly a seller's market. There presently exist no long term measures of success which depend upon corraling and keeping young associates. Too many career factors enter into a person's decision whether to stay with a firm, or a firm's decision to stay with a potential young associate, to measure a program's success over the very long run through partnership or senior associate status. Indeed, law firms realize that no single recruit will ever make or break the firm's future.

The disturbing result, however, of a law firm setting only short term goals for its summer program is the law firm's acceptance of defeat in achieving *any* long term recruitment goals. If a firm refuses to set a goal that contemplates summer associates staying at the firm for a minimum of four years, then, as in the current market place, its summer programs are simply not intended to produce fourth year associates. Nor are its programs intended to produce

partners.

In reality, most current summer associate programs are designed to produce accepted offers which will translate into a strong recruiting base on campus the following fall. If law firms were to accept this fact, and to accept as well that most of their associates will not come from their summer programs, then the real payoffs from having summer programs could be rationalized and the real benefits could be sought openly, instead of covertly or not at all.

#### WHAT SHOULD BE DONE ABOUT THE "ENDLESS" SUMMER?

Assuming that the greatest benefit of a summer program results not from the numbers of permanent associates produced, but instead from subtle drum beating done by summer associates upon their return to campus, how then should law firms change their summer programs?

Several options exist. Law firms could dispense with fun-filled summer activities, and instead make decisions about associates entirely on the basis of resumes (suggested in passing — albeit facetiously — by one hiring partner at a major New York firm). More realistically, firms could "tone down" their summer programs by cutting back on social activities or decreasing the overall emphasis on the programs. Alternatively, firms could enhance the recruiting/advertising aspect of summer programs by making them more conducive to promoting the ambassadorial function. If a firm really wanted to optimize its advertising opportunity, four-week clerkships in large programs (seventy or eighty students) with emphasis on educational training, (which most clerks prefer to social activities), combined with interesting work and plenty of offers would achieve the desired result.

#### *Less Fun?*

Law firms often suggest toning down summer programs. It is important to remember that, at any given firm, the recruiting budget and operating methods are discussed annually, and usually someone suggests spending and doing less. If the goal is to produce partners and permanent associates, then the firm's summer program is arguably a failure, and perhaps there is justification for toning down the program. What to tone down is another matter. When questioned about the origins of social extravaganzas, most recruiters assert that someone else in the locale "started it," but

most will concede that their activities are a direct result of keeping up with the Joneses. Cuts by any one firm would probably be viewed by law students as unnecessary penny pinching. No firm is likely to give up any of the activities on its present agenda, and summer associates are presently guaranteed a great social experience at many law firms across the country. Indeed, when questioned about the major difference between summer associates today and those of ten years ago, Lorraine Winheim of Cravath, Swaine & Moore said, "The students today expect a lot more from a firm's social calendar than ever before." Cheryl Boone of Los Angeles's O'Melveny & Meyers concurs. "Clerks will ask during the interviews about the social activities; something I never heard of ten years ago," she said. Toning down the social aspect of a summer program is not a likely alternative.

### *More Fun?*

Not suprisingly, increasing the summer program's schedule of summer activities is just as frequently mentioned as is cutting it back. Perhaps firms should admit to themselves that sending home their summer associates to spread the gospel has greater utility than hoping they will come back to stay. First, it should be realized that the "ambassadorial function" of summer programs is not limited to recruiting alone. This summer's law students will become leading practioners ten and fifteen years from now. Having a top recruit spend a summer at the firm is perhaps the best way for the firm to advertise in the legal community. A similar advertising benefit results from hiring a summer associate who is the relative of a particularly important client or person. While no firm would admit to engaging in this practice, several conceded that "other" firms might.

### *Room For One More*

Since a summer program's greatest success comes not from hiring permanent associates but from the promotional possibilities that summer associates represent, having a large summer program would naturally improve the success of a summer program. Increasing the size of summer programs is not impractical if the current policy of splitting summers is continued. In fact, the impressions that summer associates take home about a firm would probably improve, because there would be less time to notice the flaws that all firms have. On the other hand, this rosier picture

would be an artificial view of life at that particular firm.

The current trend, however, is away from permitting, let alone encouraging split-summers. Increasing numbers of New York firms have set a minimum of ten, even twelve week summer commitments. Recruiters typically prefer a longer, rather than shorter summer experience in service of the firm's ephemeral goals of getting to know the recruit (and vice versa).

SUSSING OUT EACH OTHER: *We Don't Know Much, But We  
Know What We Like*

How much students actually learn about their summer firms is an open question. When questioned about whether students today were more or less knowledgeable about the practice of law, some recruiters believed that current students are more sophisticated about law firm operations. One said "they seem to better understand the business of law than in years past." Another commented that the most widely held misconception among recruits is that large law firms are pretty much all alike, and differ even less within a given city. This past year, one Chicago firm changed from a non-rotation system, where students choose a department at the beginning of the summer and stay there for the entire summer, to a floating system where they maneuver among various departments. The recruiter claimed that students prefer not to choose a department and be stuck with that choice so early in a legal career. When asked what questions students should ask during interviews, a few recruiters commented that students should ask *themselves* whether large firm practice is really the type of career that they want.

IF YOU WANT TO DANCE TO THE MUSIC: *You Got To Pay To  
The Piper*

Whether the exposure is worth the expense is a complicated question. Most firms do not want to discuss the costs of their program. Measuring cost-effectiveness requires an empirical standard. If the cost of a first year associate who comes out of the summer program includes the costs of interviewing the student in the second year plus summer activities and attorney billable time, then recruiting only in the third year is apparently more economical. But the cost to the firm of the third year recruit who becomes a first year associate far outstrips the cost of the summer associate. In all but the most unusual circumstances, firms hope that a first

year associate will last more than one year, while a summer associate is hired for only one summer.

The cost of a first year associate, in "hard" (as opposed to "soft" or attorney time) dollars, was estimated by one firm to run as high as \$500,000. The expenses included office space, professional and health insurance, moving expenses, bar expenses, secretarial salary and benefits packages. Additionally, common experience predicts that firms will interview many more third year students than second year students for every offer they give, and more offers need to be given to fill all the first year associate slots, than are necessary to fill summer programs. In fact, three times as many third year students are interviewed for each offer given than are second year students, and three times as many offers are made to third year students as are made to second years. Finally, as was pointed out by every recruiter we interviewed, summer associates produce work on billable time and therefore do not represent a cost but a source of revenue. The apparent "extra" cost of the summer recruit who does wind up as a first year associate is probably a net wash, so the cost-effectiveness issue is really no issue at all.

### CONCLUSION

A summer associate best serves a firm in his or her ambassadorial function. Most firms, however, cling to the belief that the benefit of its summer program is a student's exposure to the firm and the firm's exposure to the student. Unfortunately, the very low numbers of incoming associates who participated in the firm's summer programs (usually far less than half) or permanent associates who did likewise (usually between twenty-five and thirty percent) indicate that traditional expectations are totally out of line and few summer recruits can be expected to remain in the fold. If there is something special about associates hired from within the summer program as opposed to those who clerked elsewhere, law firms have not noticed the difference. Indeed, if no qualitative difference exists between hiring internally and externally, then less emphasis should be placed on traditional summer programs. Law firms need to remember that in recruiting, as in any competitive endeavor, it doesn't matter that winning is the goal if no one can figure out when he has won.\*

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\* The author wishes to thank Alan Rolnick for his editing assistance, and Chris Marinello, for his artistic contribution.

